

REMARKS

Claims 17–27 are currently pending. None of the claims have been amended. Reexamination and allowance of the pending claims is respectfully requested.

Section 112

Claim 17 stands rejected under 35 USC Section 112, second paragraph, because the examiner believes that there might be an ambiguity between FIGS. 1 and 4.

In response, page 6, lines 25-28 of the specification provide the necessary support for claim 17:

"In use, the catheter 10 is positioned inside the lumen 46 of the sheath 34, and the combined catheter 10 and sheath 34 is introduced into the vasculature of a patient over a guide wire 30 through a conventional guide catheter 36."

In response to the examiner's comments about FIG. 4, FIGS. 4d-4e show the distal-most part of the combined catheter 10 and sheath 34 already positioned inside the coronary artery. The guide catheter 36 is located proximally and is not shown in FIGS. 4d-4e. The combined catheter 10 and sheath 34 are both placed through the guide catheter 36 which provides the necessary access to coronary arteries.

Claim 17 recites a method of placing three combined devices (catheter 10, sheath 34 and guide catheter 36). The catheter 10 is placed through the sheath 34 over the guidewire, and then the combined catheter 10 and sheath 34 are advanced through the guide catheter 36.

In response to the Examiner's comments about FIG. 1, please note that the sheath 34 is shown on both sides of the guide catheter 36. The ambiguity appears to stem from the fact that the length of guide catheter 36 appears to have a step which represents a strain relief of the guide catheter 36. To remove this ambiguity, Applicant is submitting herewith a revised FIG. 1 where the step has been omitted. Applicant submits that no new matter is being introduced by this revision because the original specification and the other drawings provide support for the revision.

In light of the above, withdrawal of the Section 112 is respectfully requested.

Section 102(e) Rejection

Independent claim 17 stands rejected under 35 U.S.C. 102(e) as been anticipated by USP 6,522,930 to Schaer et al. ("Schaer"). This rejection is respectfully traversed.

Claim 17 recites a method of placing three combined devices (catheter 10, sheath 34 and guide catheter 36), where the catheter 10 is placed through the sheath 34 over

the guidewire, and then the combined catheter 10 and sheath 34 are advanced through the guide catheter 36.

In contrast, Schaer does not teach or suggest the claimed method. The examiner has picked and chosen "bits and pieces" from different portions of Schaer's disclosure, but these chosen "bits and pieces" do not coherently teach the claimed method.

Specifically, the examiner has relied on the following portions of Schaer as disclosing the claimed invention: (i) sheath 124 of FIGS. 14-15, (ii) column 2, lines 46-51, (iii) column 12, lines 55-61, (iv) column 4, lines 20-31. A close review of these portions of Schaer will reveal the incoherency of proposed rejection.

First, FIGS. 14 and 15 disclose a catheter 130 that can be received through a sheath 124.

Second, column 2, lines 46-51 is in the Background section and discloses that ultrasound energy sources can be used for catheter-based ablation procedures.

Third, column 12, lines 55-61 disclose a guidewire lumen 22 and the sizes of the guidewires that it can receive.

Fourth, column 4, lines 20-28 is in the Background section and discusses the prior art. This portion discloses that:

"... a catheter having a predetermined curve is received within a sheath that is advanced over the distal end of the catheter. Advancement of the catheter within the sheath modifies the predetermined curve of the distal end of the catheter. By inserting different shaped guide catheters through the outer guide catheter, different shapes for the distal end of the catheter are created." [Emphasis added]

When the portions of Schaer relied upon by the examiner are read in the context of the disclosure in Schaer, it is not clear that Schaer discloses the claimed method.

For example, the specification describes FIGS. 14-15 in columns 25 and 26, and column 26, lines 3-9 discloses how the assembly of FIGS. 14-15 is used. However, there is absolutely no disclosure in columns 25 and 26 of any guidewire, or that the assembly of FIG. 14-15 can be used with a guidewire. In fact, it is well-known in the catheter art that guidewires can be omitted when guiding catheters or sheaths are used, so the fact that columns 25 and 26 in Schaer are silent about a guidewire means that it is possible that the assembly in FIGS. 14 and 15 can be used without a guidewire.

As another example, the relevance of column 4, lines 20-31 is unclear. This

language is in the Background section and discusses the prior art. It is not intended to describe the use or operation of any of the embodiments in Schaer. In addition, it does not disclose any guidewires, and does not disclose extending a combined catheter+sheath through the lumen of a guide catheter.

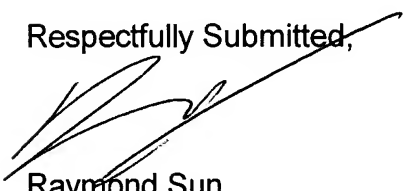
As yet a further example, the disclosure of a guidewire lumen 22 (column 12, lines 55-61) is in the context of the assembly of FIG. 1, which is very different from the assembly of FIGS. 14 and 15. Significantly, the assembly of FIG. 1 does not have a sheath.

Thus, the examiner's attempt to cobble together "bits and pieces" of the disclosure in Schaer is based on impermissible hindsight reconstruction, and is not based on a logical reading of the disclosure in Schaer.

As a result, claim 17, and claims 18-27 depending therefrom, are submitted to be allowable over Schaer.

In light of the above reasons, all pending claims are submitted to be in condition for allowance. The Examiner is encouraged to telephone the undersigned if there are any remaining amendments or informalities that would place this application in condition for allowance.

Respectfully Submitted,



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I hereby certify that this paper is being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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By: 
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